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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/825,585	04/01/1997	TAKEHIRO YOSHIDA	35.C10516-CO	1146

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/825,585

Applicant(s)

Yoshida

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 4, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/2002 (paper no. 43) has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 11-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Abe et al. (US PAT. 5,199,071 hereinafter Abe).

Regarding claim 1, Ueno discloses a data communication apparatus, i.e., a modem, adapted to execute a plurality kinds of facsimile protocol comprising a detection circuit for detecting a call signal, i.e., ID information for identifying a communication apparatus, at a calling station before

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start of communication with the communication apparatus (col. 4 lines 51-57), a memory (105) for storing communication information (col. 5 lines 6-17), a control circuit for reading the communication information in order to select one of the first and second communications protocols (col. 5 lines 30-57). Ueno differs from the claimed invention in not specifically teaching to store a facsimile protocol in associated with ID information of a calling station on an occasion of reception a call from the calling station in order to start a facsimile protocol stored in a memory at a called station corresponding to the ID information detected by the detector circuit after having made a response to the call. However, Abe teaches a modem circuit equipped on an answering side comprising a detecting means (54) for detecting extension specifying signal, i.e., ID information, of a calling station on the occasion of reception of a call, and a control circuit (53) adapted to start a communication protocol, i.e., operation mode, stored in a memory corresponding to the extension specifying signals detected by the detecting circuit after having made a response to the call in order to match the operation mode in order to reduce intricacy in matching operation data circuit terminating equipment (abstract, col. 1 lines 56-63 and col. 4 line 45 through col. 5 line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno in storing the protocol in associated with the ID information of the calling station so that the control circuit adapted to start the facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory, as per teaching of Abe, because it reduces intricacy in matching operation so that the data communication apparatus automates the matching of operation modes with that on the calling side.

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Regarding claims 2-3, Abe discloses means for registering the ID information of the calling station including ID information and the communication protocol executed corresponding to the in accordance with the ID information when the ID information designated on the occasion of issuing a call is registered in the registration means (col. 3 line 66 through col. 4 line 7 and col. 4 lines 15-23). Although Abe does not specifically teaches the ID information is a telephone number information of the calling station, Abe discloses the ID information is expressed by numbers and sent from the calling station (abstract and col. 3 lines 5-7). Thus, it would have been obvious of modifying the ID information as the telephone number of the calling station in order to simplify operation structure.

Regarding claim 4, Ueno teaches a data communication apparatus is capable of changing with different type of modems (figure 1 and col. 5 line 18 through col. 9 line 22).

Regarding claim 5, Ueno teaches the facsimile protocol including V.21 and V.29 (figure 1). Ueno differs from the claimed invention in not including V.8 and V.34, the particular of protocol used is merely a matter of design option such that V.34 is the international standard for dial up modems of up to 28,800 bits per second and V.8 is a way V.34 modems negotiate connection features and option. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno using V.8 and V.34 in the communication apparatus because it makes compatible with different protocols so that it can be widely used to communicate with other apparatus in different protocols.

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Regarding claim 6, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 11, Ueno discloses a communication apparatus having a plurality of modems comprising receiving means for receiving ID information at a calling station before a start of communication of protocol signal relating to image communication on the occasion of reception a call (col. 5 lines 6-17), control means for conducting communication because on an image communication protocol corresponding to the ID information received by the receiving means (col. 5 lines 43-57). Ueno differs from the claimed invention in not specifically teaching the receive circuit for receiving ID of the calling station on the occasion of reception of the call and the control circuit adapted to conduct communication base on image communication protocol to the ID information received by the receiver circuit or to conduct communication to determine an image communication protocol to be used according to whether or not the ID information is received by the receiver circuit. However, Abe teaches a modem circuit equipped on an answering side comprising a detecting means (54) for detecting extension specifying signal, i.e., ID information, of a calling station on the occasion of reception of a call, and a control circuit (53) adapted to start a communication protocol, i.e., operation mode, stored in a memory corresponding to the extension specifying signals detected by the detecting circuit after having made a response to the call in order to match the operation mode in order to reduce intricacy in matching operation data circuit terminating equipment (abstract, col. 1 lines 56-63 and col. 4 line 45 through col. 5 line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention

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was made to modify Ueno in receiving the ID information of the calling station so that the control circuit adapted to start the facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory, as per teaching of Abe, because it reduces intricacy in matching operation so that the data communication apparatus automates the matching of operation modes with that on the calling side.

Regarding claim 12, Abe teaches that the ID information is expressed by numbers and sent from the calling station (abstract and col. 3 lines 5-7). Thus, it recognizes the ID information is received between receiving successive calling signal.

Regarding claim 13, Abe teaches a memory for storing a communication protocol that the respective calling stations can utilize, wherein the control circuit selects at least one protocol based on the ID information received by the receiver circuit and ID information stored in the memory (col. 4 line 52 through col. 5 line 2).

Regarding claim 17, the limitations of the claim are rejected as the same reasons set forth in claims 2-3.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 11.

4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Abe et al. (US PAT. 5,199,071 hereinafter Abe) as applied in claim 13 above and further in view of Kawaguchi (US PAT. 5,303,066).

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Regarding claims 14-16, the combination of Ueno and Abe differs from the claimed invention in not specifically teaching that an updating circuit to update the communication protocols stored in the memory including a counter adapted to count a predetermined time of communication performed, wherein the updating circuit updates the respective communication protocol for each communication apparatus when the counter has counted the predetermined time. However, Kawaguchi teaches means for updating a management table, i.e., updating circuit, capable of updating the respective communication protocol for each communication apparatus based on history updated information (col. 14 lines 6-66). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Ueno and Abe in having the updating circuit, as per teaching of Kawaguchi, in order to determine an optimum protocol to be used for a communication between the transmitting unit and the receiving unit based on history updated information.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 and 11-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion.

6. **Any response to this final action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in cursive script that reads "George Eng".

GEORGE ENG

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